

CITY OF LEON VALLEY CITY COUNCIL REGULAR MEETING

Leon Valley City Council Chambers 6400 El Verde Road, Leon Valley, Texas 78238 Monday, January 12, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 12th day of January, 2015 at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business.

REGULAR CITY COUNCIL MEETING

Call to order, Determine a Quorum is Present.

Mayor Riley thanked the members of the Leon Valley Economic Development Corporation (LVEDC) and the Leon Valley Chamber of Commerce for joining the City Council in the preceding joint meeting. Mayor Riley then called the Regular City Council Meeting to order at 7:01 p.m. Mayor Riley and asked former Councilman and Commander of the American Legion, Post 336 Walter Geraghty to lead the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmen Ricardo Ruiz, Carmen Sanchez, Abraham Diaz, Benny Martinez and Paul Biever.

Also in attendance were:

City Manager Manuel Longoria, Jr., ACM/Police Chief Randall Wallace, ACM/Human Resources Director Crystal Caldera, City Secretary Saundra Passailaigue, Public Works Director Melinda Moritz, Fire Chief Luis Valdez, and Economic Development Director Claudia Mora.

Presentation honoring Community Development Director Kristie Flores' contributions and fifteen (15) years of service to the City of Leon Valley.

Mayor Riley presented Kristie Flores a certificate in appreciation for her service to the City as the Community Development Director and wished her well in her new position with the City of San Antonio.

Presentation honoring Library Director Joyce Trent's contributions and thirty-four (34) years of service to the City of Leon Valley.

Mayor Riley presented Joyce Trent a certificate in appreciation for her service to the City as the Library Director and congratulated her on her retirement.

Mayor Riley asked if any of the Councilmembers wished to pull Items from the Consent Agenda for discussion. No items were pulled.

Citizens to Be Heard

- Carol Poss 7201 Huebner Road Spoke in opposition of Item 11 in respect to the Evers Family.
- Sharon Hendricks 6015 Aids Drive Questioned why some trees in the park have been marked with orange tape.
 - City Manager Longoria responded that the marking were part of a tree inventory to identify heritage trees and so forth.
- Kim Crawford 7007 Forest Mont Spoke in regards to the "Limited Sight" sign on Evers at Seneca and asked that it be "toned down" as it is blinding to drivers.
- Kristina Koger 6122 Forest Court Asked that the City replace the trash can on Forest Meadow along the hike and bike trail.
 - o Public Works Director Melinda Moritz said that would be no problem.
- Belinda Ealy 7314 Canterfield Road Spoke about accessibility to businesses in Leon Valley and asked that people be considerate in regards to sidewalks and the maintenance of them. Also making sure that businesses are ADA compliant.
- Walter Geraghty 7315 Ellerby Point Clarified the length of the dedication of the proposed "Audie L. Murphy Memorial Way" on Evers as being only on about a ½ a mile out of the 4 miles that is Evers Road.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

a) December 08, 2014 Regular City Council Meeting

Consider authorizing the City Manager to Enter into a Lease Agreement with the Northwest Senior Citizen's Club (NWSCC) for continued use of the Community Center. M&C #2015-01-12-02 (ACM C. Caldera/K. Flores)

A motion was made by Councilman Abraham Diaz, seconded by Councilman Paul Biever, to approve Consent Agenda Items #8 (City Council Minutes – 12/08/2014), and #9 (Lease Agreement) as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

REGULAR AGENDA

A public meeting regarding the revised trail configuration from the original design of the Huebner Creek Hike & Bike Nature Trail and possible options related to the change in design. (Requested by Mayor Chris Riley and Councilmember Benny Martinez) M&C #2015-01-12-03 (S. Passailaigue)

Public Works Director Melinda Moritz presented a power point to update the City Council and the public on the status of the Hike & Bike Trail. Ms. Moritz went over in great detail the background, final trail layout, tree preservation plan, next steps, and fiscal impact.

Councilman Paul Biever asked if the length of the trail had changed at all. Ms. Moritz said it was about ten feet (10') longer in order to go around a cluster of trees. Councilman Biever pointed out that the trail covers only 2.4% of the natural area and not 40%.

The presentation was followed by a lengthy discussion and citizen comments.

At 7:47 p.m., Mayor Riley asked that citizens that would like to speak on this item step forward.

- Rita Burnside 6938 Forest Way Spoke in opposition of the trail.
- Lyn Joseph 6423 Trotter Spoke in opposition of the trail and asked about contractor fees.
- David Jordan 5309 Cilantro Place Spoke in opposition of the trail and asked if this project was fiscally responsible.
- Belinda Ealy 7314 Canterfield Road Spoke in opposition of the trail.
- Olen Yarnell 7230 Sulky Lane Spoke in opposition of the trail and presented a letter from Judit Green of Urban Wildlife Office at Government Canyon SNA. Mr. Yarnell also asked for the cost of each section of the trail to be given to him.
- Chivariak Khus 5902 Forest Rim Shared a model called the "ladder of participation" briefly describing citizen control, manipulation and the degrees of tokenism.
- Dimitri (inaudible last name) 6122 Forest Court Spoke about a need for sidewalks.
- Carolyn Gabriel 6014 N. Forest Bend Spoke in opposition of the trail and her concern with parking for the trail.
- Cynthia Koger 6727 Sunlight Spoke in opposition of the trail saying that any percentage of concrete is unacceptable.
- Tina Chase (did not sign in) Spoke in opposition of the trail.
- Irene Baldridge 6863 Parsley Hill asked to hear Councilman Biever's comments.

Councilman Paul Biever said he would like it noted that "I am in favor of both projects, but I do not believe we should forsake one project for the other. I firmly believe that we can do both projects within what we have." Councilman Biever continued by saying that the \$177,000 that had already been spent on the project was money given to the City through a CPS Energy Community Infrastructure and Economic Development (CIED) Fund, not grant money. He emphasized that stopping this project would result in a loss of taxpayers' money and that would be irresponsible.

- Larry Proffitt 6307 Rue Sophie Asked about flooding washing out the concrete trails; also suggested that if a group of citizens plains to go to the MPO that it be unified; and how many economic dollars were used for the project and how many more would be spent?
 - Public Works Director Moritz replied that the paths were designed to withstand a onehundred year flood. Mr. Longoria responded on the funding saying that the money spent so far came from the City Public Service CIED Fund.
- Hal Burnside 6938 Forest Way Spoke in opposition of the trail and in favor of forgoing \$177,000 in order to save the natural area.
- Monica Alcocer 5985 Aids Drive Spoke in opposition of the trail.

Councilman Carmen Sanchez said we can fix Evers Road with the grant funds and use the money budgeted to do another project?

Councilman Diaz stated that as a Councilmember he needs to be fiscally responsible and spending \$177,000 of taxpayers' monies by canceling the Hike and Bike budget would be negligent on his part.

Mayor Riley asked City Secretary Saundra Passailaigue, "how many recent emails where received regarding the hike and bike trail"? City Secretary Passailaigue responded that she had received sixteen (16) emails, of the sixteen five (5) spoke during the public meeting.

Mayor Riley closed the public portion of the meeting at 9:20 p.m.

A motion was made by Councilman Benny Martinez, seconded by Councilman Carmen Sanchez; to delay the vote until after the May election to give the Mayor an opportunity to see if the money could be moved from the Hike and Bike Trail to the Evers Road Project.

Councilman Paul Biever asked for clarification on the motion and the agenda wording, stating that the agenda did not indicate action by the City Council on this item. City Attorney Zech responded that the City Council do whatever is the standard practice. There was a brief discussion on what the standard practice was. Councilman Biever stated that the standard practice was the terminology "action" or possible action". The Mayor clarified by stating that she meant action not option that's why she had it as a public hearing. The Mayor continued by allowing the motion, to postpone the entire project until after the May election to be seconded by Councilwoman Sanchez.

Mayor Riley called for a call vote to which the City Council replied: Councilman Ruiz – Nay; Councilman Sanchez – Aye; Councilman Diaz – Nay; Councilman Martinez – Aye; and Councilman Biever – Nay.

The City Council voted two (2) in favor and three (3) opposed with Councilman Ruiz, Councilman Diaz and Councilman Biever casting the negative votes. Mayor Riley announced that the motion failed.

A motion was made by Councilman Carmen Sanchez, seconded by Councilman Benny Martinez; to hold an election and take this item to the ballot for the citizens to vote on.

City Attorney Zech said that there is no authority in the Texas Election Code for a General Law city to hold a referendum election. Mayor Riley then asked Councilman Sanchez if she would like to continue with her motion, given the City Attorney's opinion. Councilwomen Sanchez affirmed that she wanted to continue with her motion; to hold an election and take this item to the ballot for the citizens to vote on.

Councilman Ruiz asked, what legal risk would this put on the City? City Attorney Zech responded "that anytime you do something that is contrary to the law you put yourself in a position of being conjoined in connection".

Councilman Martinez inquired if being "conjoined in connection" was the worst thing that could happen. City Attorney Zech stated that someone would be successful in filing suit to unjoin the election and the City would be responsible for all the attorney fees. The City is a General Law Type A City as a result, the city can only do such things as the Texas Legislature gives them the authority to do. There is no authority in the Texas Election Code for a General Law Type A City to hold an initiative or referendum election, which is what this motion is. Basically, the election would not be valid because the City is not authorized to do it.

Mayor Riley asked Councilman Sanchez if she wanted to continue with her motion, after hearing the Attorney's opinion; she replied in the affirmative.

Councilman Benny Martinez communicated to Councilwoman Sanchez that he would withdraw his motion if Councilman Sanchez wanted to amend her motion to postpone for thirty (30) days until the Council is able to get a reply from the MPO on the following questions:

Can the Money be transferred to another project? Is there a 20% match?

Councilman Martinez withdrew his second and Ms. Sanchez amended her motion, to postpone and hold any further advancement on the Hike and Bike trail until we have received a reply from the MPO on transferring funds.

Mayor Riley restated the motion, "we have a motion by Ms. Sanchez and a second by Mr. Martinez to postpone any action on the hike and bike trail until we get an answer from MPO about the transferring of the funds and if we owe any more money, this 20%, that's an important point as well".

Mayor Riley called for a call vote to which the City Council replied: Councilman Ruiz – Aye; Councilman Diaz – Nay; Councilman Martinez – Aye; and Councilman Biever – Nay.

The City Council voted three (3) for and two (2) opposed with Councilman Diaz and Councilman Biever casting the negative votes. Mayor Riley announced that the motion carried.

At 9:50 p.m. Mayor Riley called a five (5) minute recess.

A Resolution designating Evers Road as "Audie L. Murphy Memorial Way" and naming the currently unnamed driveway at 6425 Evers Road, "Veterans Driveway". M&C #2015-01-12-04 (M. Longoria/City Council Policy Sub-Committee)

City Manager Longoria presented this item by first saying that City Council heard the Policy Committee's recommendation at the December 2014 City Council meeting, directing staff to move forward. Therefore, this item is placed on this agenda for official action through a resolution.

Walter Geraghty, Commander Audie L. Murphy Post No. 336 made a request at the November 10, 2014 City Council Meeting to designate Evers Road as "Audie L. Murphy Memorial Way". Staff met with Mr. Geraghty and it was determined that that dedicating Evers Road as "Audie L. Murphy Memorial Way"; naming the currently unnamed driveway at 6425 Evers Road, "Veterans Driveway" would satisfy his request.

Staff reported the outcome of the meeting with Mr. Geraghty, to the City Council Policy Sub- Committee. The Committee is in agreement with dedicating Evers Road as "Audie L. Murphy Memorial Way"; naming the currently unnamed driveway at 6425 Evers Road, "Veterans Driveway". The Committee also recommended that we place the dedication signs on the street speed limit signs. There are currently six speed limit signs within the City of Leon Valley along Evers Rd. Evers Road name will NOT change it would just be a designation of a memorial pathway in honor of Audie L. Murphy. The dedication would take place during the Memorial Holiday.

Mayor Riley invited citizens to speak on this item.

- David Jordan 5309 Cilantro Place Spoke in favor of this item.
- Lyn Joseph 6423 Trotter Asked for clarification on the driveway location.
 - City Manager Longoria clarified that it is not the driveway currently named Alley Kinman but the other one that has no name.
- Olen Yarnell 7230 Sulky Lane Questioned if this would be similar to Veterans Memorial Highway from 281 to Canada.
 - Walter Geraghty spoke up to clarify that that is 281 from Mexico all the way to Canada and it is called American Legion Memorial Highway.

A motion was made by Councilman Paul Biever, seconded by Councilman Ricardo Ruiz, to approve Resolution No. 15-001R designating Evers Road as "Audie L. Murphy Memorial Way" and naming the unnamed driveway at 6425 Evers Road as "Veterans Driveway" as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Update from the Community Events Committee Chair, Carlos Vera.

Community Events Committee Chair, Carlos Vera gave an update on the Committees activities beginning by stating that the Committee held thirteen (13) meetings in 2014 with additional meetings in collaboration

with the Festival Committee; one (1) meeting was cancelled for the holidays. In 2014 the Committee organized the following events: July 4th Celebration which included the parade, festivities and fireworks; Grandparents Day Concert; Jazz Festival; Los Leones; Holiday Tree Lighting and the Holiday Concert. The Committee also began planning the 2015 events which include a Family Scavenger Hunt in March; July 4th Celebration; Grandparents Day Concert; Jazz Festival, Los Leones; Holiday Tree Lighting; and Holiday Concert.

Mayor Riley thanked Mr. Vera for his leadership and for all that the Committee does for the City. Councilman Diaz echoed the Mayor's appreciation as did Councilman Biever, Councilman Martinez, Councilman Sanchez and Councilman Ruiz.

Mr. Vera, Councilman Martinez and Councilman Sanchez thanked Kristie Flores for everything she did to help make these events a success.

Presentation of the neighborhood/recycle survey findings by St. Mary's University. M&C #2015-01-12-05 (ACM C. Caldera)

Assistant City Manager Crystal Caldera gave a brief background on this saying that on November 18, 2013 meeting City Council voted to allow the Ridge to modify their trash pick-up from twice a week with a small uncovered recycle bin to once-a-week pick up with a large covered recycle bin. The City Council also requested staff to conduct a city- wide recycling survey conducted by an independent third party before they made a decision to implement the same program throughout the City. The City called several companies and received three quotes: Galloway Research Service \$13,175, Customer Research International \$13,500, and St. Mary's University \$2,118.75. The City requested St. Mary's University to conduct the survey under the supervision of Dr. Arthur Vega. St. Mary's mailed out 3043 surveys to all Leon Valley households and a reminder post card was sent out in October. St Mary's received 814 surveys as of November 28, 2014, which is 26.74% of Leon Valley residents. St. Mary's found that Traffic congestion is the #1 issue; residents are satisfied with their current trash service; and prefer the Newsletter to inform them about city events.

- David Jordan 5309 Cilantro Place Spoke about the Ridge participating in the pilot program and his understanding that the Ridge could go back to the twice weekly service if they so desired.
 - o Mr. Longoria said he would look into it.

This report will be posted to the City's website for public review.

Consideration and possible action on the proposed Zoning Amendments regarding the definitions of "family" and "parking" in relation to residential areas. M&C #2015-01-12-06 (ACM C. Caldera)

Community Development Director Kristie Flores and Zoning Commission Chair Claude Guerra presented background as well as the Zoning Commission's recommendation on this item.

Ms. Flores began by saying that this began in August 2014 when the City Council was presented information regarding possible zoning amendments to address concerns regarding too many occupants living in the R-1 (Single-Family Dwelling) zoning district and parking of commercial vehicles in residential areas. The City Council directed staff to take the information to the Zoning Commission for evaluation. After three (3) separate public meetings, the Zoning Commission researched, reviewed, and discussed the definition of "family" as well as "parking" regulations and after much thoughtful consideration and deliberation determined that the definitions and regulations as they currently exist in the Zoning Code were sufficient and did not need to be amended (see the attached draft minutes of the Zoning

Commission considerations). The Zoning Commission evaluated the definition of "family" in all of its parts including but not limited to: related family members, unrelated persons, cost-sharing, not-for-profit and the number of kitchens in a residence. The Commission felt very strongly that the Zoning Code should not be changed if the concerns over too many persons in a residence or the vehicle parking were isolated incidents. For "parking" the Zoning Commission recognized that the requirement of two (2) off-street parking spaces was necessary for each residential area to ensure that there was parking for residents, family and guests. For this and because there are other parking regulations in other sections of City Code that address parking, the Zoning Commission determined that the amendment was not warranted.

No action was taken.

Discussion and possible action regarding the two-year contract renewal option that provides the extension of the City Legal Service Agreement with Denton, Navarro, Rocha, Bernal, Hyde & Zech. M&C #2015-01-12-07 (M. Longoria)

City Manager Longoria presented this item to provide authorization to renew the City Attorney service contract with Denton Navarro Rocha Bernal Hyde & Zech, P.C. In November 2013, the contract was modified to address the City Council policy change of holding only one meeting per month. The agreement was modified by reduction in the flat monthly fee. The flat monthly fee was reduced from \$3,000 per month to \$2,300 per month. The existing agreement contains a provision allowing the ability to renew the service agreement by two-years. City Staff and the City Attorney are seeking to exercise the option to renew the contract. The new agreement (Attachment Three) will extend their services through November 30, 2016. The proposed agreement includes a slight increase in their rates as follows to the flat monthly fee from \$2,300 to \$2,500 per month.

A motion was made by Councilman Paul Biever, seconded by Councilman Ricardo Ruiz, to renew the City Attorney's contract for two (2) years ending November 30, 2016. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion of 10-Day Closure of City Hall for the Holidays. M&C #2015-01-12-08 (Requested by Mayor Chris Riley).

Mayor Riley presented this item to see if there were any problems that came up from the recent 10-day closure of City Hall for the holidays. Mayor Riley also mentioned that she had checked into holiday closures with other cities and of the five or six she looked at the average closure was two or three days.

• Lyn Joseph - 6423 Trotter – Said her neighbor had a water problem and was able to get assistance from the on-call public works serviceman.

No action was taken.

Mayor Riley asked on behalf of some citizen's comments that the City Manager's Report be moved up earlier on the next agenda.

City Manager's Report:

- a) Update Police Department Reorganization.
- b) Monthly Departmental Reports
- c) Approved Minutes from Boards, Commissions and Committees

d) Future Agenda Items:

Amendments to Public Gatherings Policy

Assistant City Manager/Police Chief Randall Wallace presented the Police Department Reorganization. The City would hire an Assistant Chief who would supervise dayshift and Investigations. The evening and dogwatch shifts would have Lieutenants who would report to the Assistant Chief. Each shift would also have Sergeants and Corporals as well. Investigations would also have a Sergeant who reports to the Assistant Chief.

Upcoming Important Events:

- a) 1/16/2015 10:00 a.m. "Uncoupling of the Hose" at the new Leon Valley Fire Department
- b) 1/19/2015 City Hall Closure in observance of Martin Luther King's Birthday
- c) 1/24/2015 Town Hall Meeting

Discussion and possible action regarding what is appropriate/inappropriate content for the Lions Roar, a city public sponsored publication. M&C #2015-01-12-09 (Requested by Councilmembers Paul Biever and Abraham Diaz)

The City Council went into Executive Session at 11:45 p.m. under Texas Local Government Code §551.071 Consultation with Attorney to discuss the item as described in the caption.

The City Council reconvened into Open Session at 12:08 a.m.

A motion was made by Councilman Abraham Diaz, seconded by Councilman Carmen Sanchez, to amend the policy where NO Council member can write an article in the Lion's Roar within one-hundred-twenty (120) days before the election. Upon a unanimous vote, Mayor Riley announced the motion carried.

The City Council will convene in Executive Session pursuant to Section 551.087 as authorized by the Texas Government Code, Deliberations Regarding Economic Development Negotiations about the Proposed Deer Soccer Training Sports Park and potential Hotel Development Projects along Bandera Road; and reconvene into Open Session to take any necessary action arising from the Executive Session.

The City Council went into Executive Session at 12:38 p.m.

The City Council reconvened into Open Session at 12:38 a.m.

No action was taken.

Citizens to be Heard

 Pedro Esquivel – 7207 Forest Meadow – Spoke on the recycling survey; smart meters; and asked the City Council to consider going back to two meetings per month.

Announcements by the Mayor and City Council Members. At this time, reports about items of community interests on which no action will be taken may be given to the public as per Chapter 551.0415 of the Local Government Code, such as: expressions of thanks, congratulations or condolences, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City Official.

Councilman Ricardo Ruiz thanked everyone involved with the Christmas Tree Lighting and to also say that he has driven by the Aquarium many times and the parking lot is always full. "This is a great addition to the City".

Councilman Benny Martinez invited all to the Chambers Luncheon at Cha Cha's next Wednesday at noon.

Mayor Riley asked that the City Secretary poll the members of City Council what their preference for the presentation of the Home Rule Charter would be. Would they prefer it to be held at the January 24th Town Hall Meeting or at the February 9th City Council Meeting.

Adjournment

Mayor Riley announced the meeting adjourned at 12:47 a.m.

These minutes approved by the Leon Valley City Council on the 9th of February, 2015.

APPROVED

CHRIS RILEY MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC CITY SECRETARY



Chris Reley